



# Hawaii State Association of Counties

Counties of Kauai, Maui, Hawaii and City and County of Honolulu



## MINUTES

### SPECIAL HSAC EXECUTIVE COMMITTEE MEETING

November 23, 2015

Honolulu Hale, Committee Meeting Room

530 South King Street

Honolulu, Hawaii 96813

#### I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Alternate and County of Kauai Council Vice Chair Ross Kagawa at 10:20 a.m. The following members comprising a quorum were present:

County of Kauai:	President Alternate Ross Kagawa, County of Kauai Council Vice-Chair
County of Hawaii:	Vice President Dennis "Fresh" Onishi, County of Hawaii Councilmember
City and County of Honolulu:	Secretary Alternate Joey Manahan, City and County of Honolulu Councilmember
County of Maui:	Treasurer Michael Victorino, County of Maui Councilmember
Others Present:	Councilmember Mike White, County of Maui Council Chair

Honolulu staff Doug Chun, Legislative  
Analyst, Office of Council Services;  
Honolulu staff Brandon Mitsuda, Council  
Liaison, Honolulu City Council  
Administrative Support Services;  
Honolulu staff Lisa-Ann Kimura, Staff  
Attorney, Office of Council Services;  
Honolulu staff Chico Figueiredo,  
Legislative Aide, Office of  
Councilmember Ikaika Anderson;  
Kauai staff Aida Okasaki, Legislative  
Assistant, Council Services Division;



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#### III. MINUTES A

Maui staff Kit Zulueta, Communication  
Director, Office of Council Services

II. APPROVAL OF AGENDA

The Committee approved the agenda.

III. MINUTES

The Committee approved the Minutes of the September 11, 2015 and September 30, 2015 Executive Committee meetings.

IV. REPORTS

A. Treasurer's Report

Treasurer's Report for the month of September 2015 and October 2015, as submitted by the HSAC Treasurer.

Treasurer Victorino reported that for the period ended October 30, 2015, net income from the 2015 WIR conference totaled \$28,780.02, which combined with net income of \$41,828.86 from the 2015 HSAC conference resulted in a total net income of over \$70,000 from these two conferences. He further noted that the \$5,000 seed money requested by the County of Hawaii has already been accounted for and does not need to be subtracted from the \$41,828.86 net income listed in the report. Combined with \$43,680.00 collected in membership dues and taking into account one major expense of \$26,751 for NACo dues incurred in October 2015, the ending balance as of October 31, 2015 was \$227,396.44, which Treasurer Victorino noted left HSAC in excellent financial shape moving forward.

Vice President Onishi raised a question regarding an \$8,000+ expense incurred as part of the Eventbrite participation in the 2015 HSAC conference did not appear to be accounted for in a previous expense report. In the interest of time, both Treasurer Victorino and CM White offered to discuss and clarify the matter in detail with Vice President Onishi after the Executive Meeting.

There being no further questions, a motion was made, seconded and approved to receive and approve the Treasurer's Reports for the months of September 2015 and October 2015.

**B. County Reports**

1. **Maui County Report.** Treasurer Victorino reported on the following items: 1) The Council has adopted its 2016 Legislative Package, which includes four State bills; 2) The Council will soon consider a Resolution to establish a committee to review the county manager form of governance; 3) The Mayor has called a meeting to discuss the Governor's emergency declaration on homelessness; 4) The Council approved a 186-unit affordable housing rental project in the Kihei area; 5) The Council has begun videoconferencing its meetings to district offices in Hana, Lanai, and Molokai; 6) The Council and County are looking into the alleged misuse of P-Cards regarding a county kitchen facility that has been in the news recently; and 7) The Council is looking into the sugarcane-burning issue, with an eye on both the health ramifications, as well as the economic and employment impacts of any decision to continue or discontinue the burning of sugarcane.
2. **Hawaii County Report.** Vice President Onishi, noting that things on Hawaii Island have been quiet and fairly status quo, reported that there have been a couple of Resolutions introduced seeking to amend the medical marijuana dispensary law. Stating that one Resolution seeks to increase county revenues by increasing the GET on these activities to five percent and that the second Resolution seeks to give Hawaii County greater input regarding the location of any Hawaii Island dispensaries, he concluded by noting that because these efforts appear to be late in the game, the fate of these Resolutions is uncertain.
3. **City and County of Honolulu Report.** Secretary Alternate Manahan reported the following items: 1) The rail surcharge extension is being considered by the Council and remains a major issue, especially since the cost of the rail project has ballooned from \$5.1 billion at the outset of the project to a substantially larger figure now; 2) Homelessness continues

to impact the City with the Council proposing numerous ways to address the problem, including the Housing First concept, hygiene centers, and other strategies; and 3) Regarding the TAT, the State is no longer in a deficit position and should be urged to fund the counties via the TAT to a greater extent, especially given the recent settlement with Orbitz that will result in additional TAT funds accruing to the State.

4. Kauai County Report. President Alternate Kagawa reported on the following: 1) The County Council has approved a beneficial tax rate for long-term affordable rentals to counter the decrease in government median income criteria. This measure was needed to allow renters currently benefiting from the tax rate criteria from having to seek a new rental unit at a lower rent level in order to receive the same tax benefits; and 2) President Alternate Kagawa introduced a Resolution that related to interisland airfares and the current Hawaiian Airlines monopoly, urging Hawaiian Airlines to accommodate interisland travelers by moderating their fares for interisland travel.

(At this point, a wide-ranging discussion ensued that touched upon cuts in State and county budgets made during the 2007 recession, the need to restore mental health and other human service funding cuts, the critical lack of housing inventory and homelessness, and other issues. Secretary Alternate Manahan suggested inviting the governor's homeless coordinator to a future HSAC meeting to gauge the scope of the problem and discuss possible solutions.)

A motion was made, seconded and approved to receive the county reports.

C. NACo Report

Vice President Onishi reported that the next NACo board meeting would be held in Colorado Springs, Colorado, from December 3-5, 2015. (At this point, a discussion ensued regarding continuing the tradition of taking *omiyage* to present to certain board officers and staff. It was decided that county staff would be contacted regarding information on providing and sending *omiyage* to the NACo board

meeting on a voluntary basis, with each county deciding whether or not to participate in the giving of *omiyage*.)

**D. WIR Report**

It was noted that "Item J" under New Business on the agenda refers to the 2015 WIR Board Meeting held in Ada County, Idaho from October 7-9, 2015. Councilmember Mike White noted that WIR's focus is on PILT and SRS funds (PILT = Payment in Lieu of Taxes; SRS = Secure Rural Schools). Reflecting the language in Item J, CM White noted that the future focus of the WIR was discussed at the board meeting since many counties, including those in Hawaii, are not largely impacted by either PILT or SRS. As a result, WIR members are being asked what topics of relevance WIR should be focusing on. The HSAC Executive Committee is therefore requested to discuss this matter at a future meeting.

A motion was made, seconded and approved to receive the NACo and WIR reports.

**V. UNFINISHED BUSINESS**

There was no unfinished business listed on the agenda.

(At this point, noting the imminent departure of Treasurer Victorino from the meeting, President Alternate Kagawa suggested jumping to "Item A" under Announcements in order to schedule the next meeting date. After discussion, it was agreed that the first option for the next meeting date would be Monday, December 7, 2015 at 10:00 a.m., with the backup date option being Tuesday, December 8, 2015 at 1:00 p.m. Members were instructed to contact the President's office to confirm their availability and final choice of dates.)

**VI. NEW BUSINESS**

- A. Communication (September 2, 2015) from City Clerk Glen Takahashi, City and County of Honolulu, transmitting for the Executive Committee's information Resolution No. 15-217, CD1, Relating To The Inclusion In The 2016 Hawai'i State Association of Counties Legislative Package Of A Proposal That Would Require Mopeds To Be Subject To The State's Safety Check Program,

which was adopted by the Council of the City and County of Honolulu on September 2, 2015.

Secretary Alternate Manahan noted that this proposal came out of the community due to complaints that certain mopeds were being illegally modified, which resulted in excessive noise. He noted that regular inspections would be one way to address this issue and prevent illegal modifications.

(At this point, Treasurer Victorino distributed a document for informational purposes only, regarding an upcoming legislative proposal dealing with public purpose power or fuel purchase agreements, stating that he would submit the information for inclusion on the next HSAC Executive Committee Agenda. Once the document was distributed to members, Treasurer Victorino left the meeting and Councilmember Mike White took his place for quorum purposes.)

There being no further discussion, a motion was made, seconded and approved to receive the item.

- B. Communication (September 8, 2015) from County Clerk Danny A. Mateo, County of Maui, transmitting for the Executive Committee's information Resolution No. 15-109, Urging Congress To Pass The Industrial Hemp Farming Act Of 2015, which was adopted by the Maui County Council at its meeting on September 4, 2015.

Councilmember White noted that this Resolution is needed since Maui County has the last remaining sugarcane plantation in the state, and options are needed if sugarcane is phased out, including the possibility of transitioning to industrial hemp.

There being no further discussion, a motion was made, seconded and approved to receive the item.

- C. Communication (September 8, 2015) from County Clerk Danny A. Mateo, County of Maui, transmitting for the Executive Committee's information Resolution No. 15-114, Approving For Inclusion In The 2016 Hawai'i State Association Of Counties Legislative Package A State Bill Providing The Counties Greater Flexibility In Financial Investments, which was adopted by the Maui County Council at its meeting on September 4, 2015.

Councilmember White noted that counties are currently limited in the ways they can invest funds. This proposal for inclusion in the HSAC Legislative Package would provide for greater investment options than is currently allowed by state statute, effectively expanding the types of securities that counties could invest in.

There being no further discussion, a motion was made, seconded and approved to receive the item.

- D. Communication (September 11, 2015) from County Clerk Stewart Maeda, County of Hawai'i, transmitting for the Executive Committee's information, Resolution 267-15, A Resolution Requesting The Hawai'i State Association Of Counties To Include In Its 2016 Legislative Package A Resolution Urging Hawai'i's Congressional Delegation To Propose And Pass An Amendment Clarifying That Corporations Are Not People With Constitutional Rights, And That Unlimited Campaign Spending Is Not Free Speech, which was adopted by the County of Hawai'i at its meeting on September 2, 2015.

Vice President Onishi noted that other counties in the U.S. have passed similar Resolutions that urge Congress to pass legislation that would limit the ability of corporations to contribute unlimited campaign funds to candidates, essentially "buying" those candidates.

There being no further discussion, a motion was made, seconded and approved to receive the item.

- E. Communication (September 14, 2015) from HSAC President Mel Rapozo, transmitting for the Executive Committee's information the 2015 Western Interstate Region (WIR) Conference Report.

There being no discussion, a motion was made, seconded and approved to receive the item.

- F. Communication (September 21, 2015) from County Clerk Danny A. Mateo, County of Maui, transmitting for the Executive Committee's information Resolution No. 15-120, Approving For Inclusion In The 2016 Hawai'i State Association Of Counties Legislative Package A Bill To Enable Councilmembers To Freely Attend Community And

Educational Meetings, which was adopted by the Maui County Council at its meeting on September 18, 2015.

Councilmember White noted that this proposal represents Maui County's ongoing attempt to have the same freedom to attend community meetings that the state Legislature enjoys. He noted that this was especially difficult for "at-large" members who have to equally represent all sections of the island. Currently, OIP requires a councilmember at a community meeting to keep Minutes during any portion of the community meeting in which the councilmember speaks and to videotape the proceedings, which are required to be made available at the next Council meeting.

Vice President Onishi noted the importance of area legislators, especially those in leadership positions, to support these proposals. Otherwise, the proposals will not move.

There being no further discussion, a motion was made, seconded and approved to receive the item.

- G. Communication (October 19, 2015) from County Clerk Danny A. Mateo, County of Maui, transmitting for the Executive Committee's information Resolution No. 15-132, Approving The Hawai'i State Association Of Counties Officers For Fiscal Year 2016, which was adopted by the Maui County Council at its meeting on October 6, 2015.

There being no discussion, a motion was made, seconded and approved to receive the item.

- H. Communication (October 19, 2015) from County Clerk Danny A. Mateo, County of Maui, transmitting for the Executive Committee's information Resolution No. 15-134, Approving For Inclusion In The 2016 Hawai'i State Association Counties Legislative Package A State Bill To Allow Persons With Disabilities To Indicate On Their Identification Cards Their Disability, which was adopted by the Maui County Council at its meeting on October 6, 2015.

Councilmember White stated that this proposal would allow a person with a disability to indicate on their identification cards the type of disability they have. He further noted that this would be voluntary, not mandatory, and would allow those with disabilities



that are not visibly evident to prove their status as a person with a disability.

There being no further discussion, a motion was made, seconded and approved to receive the item.

- I. Communication (October 22, 2015) from County Clerk Jade K. Fountain-Tanigawa, County of Kaua'i, transmitting for the Executive Committee's information Resolution No. 2015-60, Resolution Approving The Hawai'i State Association Of Counties (HSAC) Slate Of Officers For Fiscal Year 2016, which was adopted by the Kaua'i County Council on October 21, 2015.

There being no discussion, a motion was made, seconded and approved to receive the item.

- J. Communication (October 22, 2015) from Maui County Council Chair and WIR Board Member Mike White and Hawai'i County Councilmember and WIR Board Member Daniel K. Paleka, transmitting for the Executive Committee's information a report on the 2015 Western Interstate Region (WIR) Board of Directors Meeting.

There being no discussion, a motion was made, seconded and approved to receive the item.

- K. Communication (October 29, 2015) from HSAC Vice President Dennis "Fresh" Onishi, requesting seed money in the amount of \$5,000 for the Hawai'i County Council to begin planning the HSAC Conference scheduled for June 2016.

Vice President Onishi noted the following regarding the 2016 HSAC Conference: 1) The conference will be held from June 22-24, 2016 at either the King Kamehameha Kona Beach Hotel or the Sheraton Keauhou; 2) The Executive Committee meeting and the General meeting will be held on separate days to avoid rushing either meeting; 3) Hawaii County will work with the UH-Hilo Conference Center to manage logistics and act as the event coordinator; 4) Conference workers will be government appointees rather than civil service workers to avoid any ethics conflicts; 5) The goal, in an election year that may impact participation, will be roughly \$10,000

in net income; and 6) Costs will be kept as low as possible through potential airline sponsorships, waiver of hotel fees, etc.

Both Councilmember White and Brandon Mitsuda offered to help Hawaii County in dealing with planning and logistics questions.

There being no further discussion, a motion was made, seconded and approved to receive the item.

- L. Communication (November 4, 2015) from Council Chair Mel Rapozo, Kaua'i County Council, transmitting for the Executive Committee's consideration, A Bill For An Act Relating To Tort Liability to be included in the 2016 HSAC Legislative Package, which was adopted by the Kaua'i County Council on November 4, 2015.

Both Vice President Onishi and Councilmember White noted that it was amazing that the State would not want to permanently except county lifeguards for liability especially since state beaches are permanently excepted.

There being no further discussion, a motion was made, seconded and approved to receive the item.

- M. Discussion about lobbying efforts for the 2016 State Legislature relating to transient accommodations tax.

Councilmember Mike White distributed a packet of documents to members regarding a draft presentation on the allocation of Transient Accommodations Tax Revenue. He then presented a PowerPoint slide show arguing for the return of TAT revenues to the counties, which is summarized as follows:

1. Important points to remember: a) The State took the counties' TAT money when needed, but made no significant adjustments since; b) State revenues have significantly rebounded; c) County revenues are coming back slowly but we are ranked 149<sup>th</sup> out of 150 municipalities to receive taxes from lodging; and d) Splitting the TAT 50-50 between the state and counties will only move Hawaii up to 148<sup>th</sup> out of 150 municipalities.

2. Brief history: 2009, 2010—In response to falling state revenues, the legislature increased the TAT to generate more state funds; 2011, 2012—The TAT distribution to the counties was capped at \$93 million, and; 2014—The TAT cap was nominally increased to \$110 million.
3. Status today: a) By 2015, State revenues have rebounded by 34.4 percent, or nearly \$1.8 billion over 2010; b) The State's net TAT revenue has increased from \$8.3 million in 2007 to nearly \$205 million today, while the counties are losing \$85 million annually; c) While the State suggests increasing property taxes, the counties have already increased property taxes during the last five years; d) In response to a State suggestion to implement the GET surcharge provided to counties, the counties note that the GET is a regressive tax that applies to basic necessities such as food and medical services, and the GET surcharge is restricted to transportation and ADA compliance costs.
4. The State needs to give back TAT money—it is not a giveaway to the counties. Out of 150 municipalities, Hawaii ranks 149<sup>th</sup> in the receipt of taxes from lodging establishments. While 150 local municipalities receive an average of a 9.08 percent accommodations tax rate, counties in Hawaii on average receive a 2.26 percent accommodations tax rate. In addition, while the State of Hawaii provides a mere 17 percent of the overall taxes on lodging to the four counties, 32 municipalities receive 100 percent and another 101 municipalities receive 60 percent or more.

At this point, a discussion among members ensued that touched upon many points, including the following: a) The Governor will be using the TAT to balance his budget and the HSAC executive committee should meet with the Governor to state our case and attempt to garner his support; b) The fairness of the TAT over the GET must be emphasized, with an awareness that the TAT was raised years ago precisely so that the GET would not have to be raised; c) Although the fight for the TAT is an ongoing battle, the TAT reflects a clear nexus to the services that counties provide to visitors; and d) The counties should define concrete needs that any

additional TAT revenues will address by providing examples of deficiencies in current county services.

Councilmember White concluded by noting that a future press conference will be scheduled, perhaps in December, to outline the counties' position and proposal. He stated that this would probably occur after any HSAC meeting with the Governor, the House Speaker and the Senate President.

There being no further discussion, a motion was made, seconded and approved to receive the item.

#### VII. ANNOUNCEMENTS

A. Schedule the next meeting:

(This item was taken up earlier under Section V, New Business.)

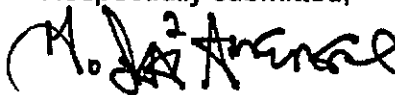
B. Other announcements.

Vice President Onishi noted that Councilmember Paleka had just informed him via cell phone/text message that neither Vice President Onishi nor Councilmember Paleka would be available to attend the next HSAC Executive Committee meeting, tentatively scheduled for December 7<sup>th</sup> or 8<sup>th</sup>. President Alternate Kagawa stated that because of this, staff from Kauai, in conjunction with staff from the other counties, would work it out and determine a suitable date in December based on HSAC member availability.

#### VIII. ADJOURNMENT

The meeting was adjourned at 12:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ikaika Anderson", with a stylized flourish at the end.

IKAIKA ANDERSON, Secretary  
Hawaii State Association of Counties